

Wiley,

Plaintiff

Adv. Proc. No. 22-00058-mdc

Olson,

Defendant

## CERTIFICATE OF NOTICE

District/off: 0313-2

User: admin

Page 1 of 1

Date Rcvd: Aug 02, 2023

Form ID: pdf900

Total Noticed: 1

The following symbols are used throughout this certificate:

**Symbol**

**Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2023:**

NONE

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion03.ph.ecf@usdoj.gov	Aug 03 2023 05:30:00	United States Trustee, Office of United States Trustee, Robert N.C. Nix Federal Building, 900 Market Street, Suite 320, Philadelphia, PA 19107-4202

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 04, 2023

Signature: /s/Gustava Winters

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2023 at the address(es) listed below:

**Name**

**Email Address**

MARK A. CRONIN

on behalf of Defendant Patrick Lee Olson bkgroup@kmllawgroup.com

PHILLIP D. BERGER

on behalf of Plaintiff Michael Wiley berger@bergerlawpc.com kaufmann@bergerlawpc.com

TOTAL: 2

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 7
Patrick Lee Olson,	:	Bankruptcy No. 22-11556-MDC
Debtor.	:	
<hr/>		
Michael Wiley, successor by assignment to	:	
McGrath Technical Staffing, Inc. d/b/a McGrath	:	
Systems,	:	
Plaintiff,	:	
v.	:	Adversary No. 22-00058-MDC
Patrick Lee Olson,	:	
Defendant.	:	

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**ORDER**

**AND NOW WHEREAS**, on July 5, 2023, the plaintiff Michael Wiley (the “Plaintiff”) filed an adversary Complaint (the “Complaint”)<sup>1</sup> against the debtor Patrick Lee Olson (the “Defendant”), seeking a determination that the Plaintiff’s state court judgment against the Defendant (the “Judgment”) is non-dischargeable pursuant to 11 U.S.C. §§523(a)(2) and (a)(4).

**AND**, on January 5, 2023, the Defendant filed a motion for summary judgment (the “Defendant’s Summary Judgment Motion”).<sup>2</sup>

**AND**, on January 6, 2023, the Plaintiff filed a motion for summary judgment (the “Plaintiff’s Summary Judgment Motion” and together with the Defendant’s Summary Judgment

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<sup>1</sup> Adv. Pro. Docket No. 1.

<sup>2</sup> Adv. Pro. Docket No. 19.

Motion, the “Summary Judgment Motions”).<sup>3</sup>

**AND**, on March 1, 2023, the Court held a hearing (the “Hearing”) on the Summary Judgment Motions, after which the Court took the matter under advisement.

**AND**, upon consideration of the Summary Judgment Motions, all briefing in support thereof and in opposition thereto, and the arguments of counsel at the Hearing.

**It is HEREBY ORDERED, ADJUDGED, AND DECREED**, that

1. The Summary Judgment Motions are **DENIED**.
2. Although there is no genuinely disputed issue of material fact that the Defendant incurred a debt to the Plaintiff of at least \$490,000 by fraud, false pretenses, and/or false representations under 11 U.S.C. §523(a)(2)(A), there remain genuine factual disputes as to whether the Plaintiff’s prior actions in his own personal bankruptcy case and the bankruptcy case of McGrath Technical Staffing, Inc. warrants application of judicial estoppel, and if not, the amount of the Plaintiff’s claim that is properly deemed non-dischargeable and whether the elements of a claim pursuant to 11 U.S.C. §523(a)(4) are satisfied. These issues cannot be determined without the presentation of evidence at trial.
3. The previously-scheduled trial on the claims in the Complaint and the defenses thereto shall proceed August 8, 2023, at 12:30 p.m. by video conference.

Dated: August 2, 2023



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MAGDALENE D. COLEMAN  
CHIEF U.S. BANKRUPTCY JUDGE

Phillip D. Berger, Esq.  
Berger Law Group, PC  
919 Conestoga Road

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<sup>3</sup> Adv. Pro. Docket No. 21.

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Rosemont, PA 19010

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